

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on April 1, 2005, and the references cited therewith.

Claims 1-2, 8-11, and 15-16 are amended, claims 21-22 are canceled, and no claims are added; as a result, claims 1-20 are now pending in this application.

Applicant respectfully submits that claims 1-2, 8-11, and 15-16 are fully supported by the originally filed specification.

§102 Rejection of the Claims

Claims 1, 2, 5-9, 12-17, 19 and 20 were rejected under 35 USC §102(e) as being anticipated by Okimoto, et al. (U.S. Patent No. 6,160,631).

Applicant does not admit that the Okimoto reference is indeed prior art and reserves the right to swear behind the same at a later date. Nonetheless, Applicant believes that claims 1, 2, 5-9, 12-17, 19, and 20 are distinguishable from the cited reference for at least the following reasons.

Regarding claim 1, the Examiner cites col. 10, lines 6-14, col. 11, lines 3-14, col. 11, line 15 through col. 12, line 15, and col. 13, line 66 through col. 14, line 33, of the Okimoto reference as covering “requesting that a user input a set time for the operation after an initiation of the operation.” The seemingly relevant portions of the cited sections state:

[T]he operator inputs his/her instructions to print the document. As a result, the application program issues a print command, whereupon the printer driver 30 is executed. The printer driver 30 creates print data designated by the application program. . . . [T]he printer driver 30 issues a mail transmission command to start the print mail transmission utility 31a. The print mail transmission utility 31a creates a print mail, including the print data desired to be printed at the destination computer, and then transmits the print mail to the SMTP server 32. . . . The SMTP server 32 then transfers the received print mail using SMTP to the Internet 28 with the corresponding transfer designation. . . . The process of the printer driver 30 is started when an application program, executed on the personal computer 4 . . . issues a print command. . . . When the operator selects the “print execution” button . . . the process in S120 is immediately executed to convert the document data, designated by the application program for printing, into print data of a predetermined format. . . . When desiring to transmit the print data as print mail to be printed in the remote computer system 22 . . . the user selects the item “mail.” [A number of operational steps precede the

following operation] The print mail transmission settings screen further requests the user to input settings for the date and time when the print data is desired to be printed at the destination.

Preceding the sections cited by the Examiner, col. 2, lines 22-27, of the Okimoto reference recites:

[P]rint mail transmitting means for, when the selection means selects that the print data should be printed in the computer system B, creating print mail including the print data and header data, the header data including print information indicative of a printing condition, at which the print data should be printed.

Column 6, lines 1-6, further recites:

Print information, included in the mail header, may include data indicative of the date and time, at which mail is desired to be printed. At the receiving end, when the print date and time data is included in the header, the print data included with the mail can be outputted by the printer at the indicated date and time.

By disclosing the above requirements for causing the recipient's computer system to print mail on the desired date and time, the Okimoto reference appears to describe an intended result that only comes to fruition after an initiation of the operation. The recitations shown above illustrate that action is only taken after the user's computer has been issued a print command, the print driver creates print data, the print driver issues a mail transmission command to the print mail transmission utility, which creates a print mail command and transmits the print mail command to the SMTP server, the previous operations being followed by several other operations before the print mail transmission settings screen requests the user to input settings for the date and time when the print data is desired to be printed at the destination.

In contrast, Applicant's independent claims 1 and 8, as amended, recite, "requesting that a user input delay criteria before the initiation of the operation; and delaying performance by the computer system of the operation until the delay criteria has been met." These elements of claims 1 and 8 illustrate that user instructions regarding delay criteria are supplied to a processor-based device, such as a graphics device interface (GDI), that prevents initiation by the computer of an operation, e.g., issuing print commands, issuing mail transmission commands, instigation of a file transfer protocol upload, etc., until the delay criteria have been satisfied, e.g., by passage of a specified time interval, by occurrence of a set time, by detection of an idle printer, by bandwidth

availability on a network connection, etc. The just-stated description of claims 1 and 8 is fully supported by specific sections of Applicant's specification, in particular: page 3, lines 9-12; page 3, lines 19-20; page 4, lines 6-8; page 4, lines 16-20; page 7, lines 7-13; page 8, lines 5-6 (referring to Step 45 of Fig. 1); page 12, lines 7-11; page 13, lines 12-16; page 14, lines 1-5; page 14, lines 15-25; and page 15, lines 1-10.

The Okimoto reference, on the other hand, does not describe that a user inputs delay criteria before the initiation of an operation, nor does it describe delaying performance by the computer system of the operation until the delay criteria have been met. The Okimoto reference instead appears to have the operator being asked to input a particular date and time for printing by the remote recipient after the transmission operation has begun, and it appears that the first thing the operator does is to issue a print command that initiates a number of operations by the computer.

As such, Applicant respectfully submits that independent claims 1 and 8 are not anticipated because each and every element and limitation is not present in the Okimoto reference. Reconsideration and withdrawal of the 102 rejection is respectfully requested for independent claims 1 and 8, as well as those claims that depend therefrom.

Independent claim 15, as amended, contains the element "a user-programmable delaying device to receive a delay criteria before an initiation of an operation, the delaying device operably connected to the processor." As described above, the Okimoto reference does not describe that a user inputs delay criteria before the initiation of an operation. As such, Applicant respectfully submits that independent claim 15 is not anticipated because each and every element and limitation is not present in the Okimoto reference. Reconsideration and withdrawal of the 102 rejection is respectfully requested for independent claim 15, as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claims 3, 10, 18, 21, and 22 were rejected under 35 USC §103(a) as being unpatentable over Okimoto, et al. (U.S. Patent No. 6,160,631) in view of Smith, et al. (U.S. Patent No. 6,359,642).

Claims 3, 10, and 18 depend from independent claims 1, 8, and 15, respectively. For the reasons provided above, the Okimoto reference does not include each and every element of the independent claims. Okimoto does not show the user inputting delay criteria before the initiation of an operation. The Smith reference does not cure the deficiencies of the Okimoto reference.

For example, the Examiner cites col. 4, lines 1-21, and col. 5, line 45 – col. 6, line 27, of the Smith reference as teaching:

[T]he operation (user selection of the print command from the print dialog box) includes an occurrence of a particular condition, i.e. detection of an idle printer (wherein a user selects the document for print, a pre-start signal is sent to the [sic] change printer from an idle mode to a print mode if printer is detected as being idle.

The Smith reference further recites in col. 4, lines 10-16:

[C]omputer 16 is adapted to detect a user performing ACT #4 and to respond thereto by generating and transmitting a PRE-START signal to Printer 10 over Network 18. Printer 10 responds to receiving the PRE-START signal by moving into a print mode (assuming Printer 10 is in an idle mode when the PRE-START signal is received).

By so stating, the Smith reference appears to describe beginning an operation by having the computer send a signal to the printer to prompt it to enter print mode. If it is currently in idle mode, the printer appears to perform subsequent actions in response to an occurrence of a particular condition, i.e., detection of itself being idle, rather than the computer that sent the signal.

In contrast, Applicant's claims 1, 8, and 15 each recite inputting "delay criteria before an initiation of an operation." The Smith reference does not disclose, teach or suggest delaying an operation subject to delay criteria. Instead, the Smith reference discloses, for example, in its Abstract:

The present disclosure describes techniques that can be used to reduce the time required for a printer or printing system to generate printed output. Printers are provided that operate to move from an idle mode into a print mode upon receiving a PRE-START signal.

Hence, the purpose of the Smith reference's invention appears to be "reduc[ing] the time required for a printer . . . to generate print output," rather than introducing delay criteria. This happens after the initiation of an operation by the computer to prompt the printer out of the idle mode by sending a pre-start signal, rather than prevention of the printer from receiving a command, that is, before the initiation of an operation as recited in claims 1, 8, and 15, as amended.

Accordingly, Applicant respectfully submits that each and every element and limitation of claims 1, 8, and 15 are not described, taught, or suggested in the Okimoto and Smith references, either individually or in combination. Applicant respectfully requests reconsideration and withdrawal of the 103 rejections of

dependent claims 3, 10, and 18. Claims 21 and 22 are canceled because their limitation concerning delay criteria including “the occurrence of a particular condition” has been incorporated into dependent claims 2 and 9, which depend from independent claims 1 and 8, respectively.

Claims 4, 11, 18, 21, and 22 were rejected under 35 USC §103(a) as being unpatentable over Okimoto (U.S. Patent No. 6,160,631) in view of Mitsutake, et al. (U.S. Patent No. 6,240,460).

Claims 4, 11, and 18 each depend from independent claims 1, 8, and 15, respectively. The Mitsutake reference does not cure the deficiencies of the Okimoto, reference, as outlined above, with regard to the independent claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 103 rejections of dependent claims 4, 11, and 18. Claims 21 and 22 are canceled.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 13th day of June, 2005.

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